

BELL, MCANDREWS & HILTACHK, LLP

ATTORNEYS AND COUNSELORS AT LAW

**488 CAPITOL MALL, SUITE 801
SACRAMENTO, CALIFORNIA 95814**

**(916) 442-7757
FAX (916) 442-7759**

**CHARLES H. BELL, JR.
COLLEEN G. MCANDREWS
THOMAS W. HILTACHK
BRIAN T. HILDRETH
JIMMIE E. JOHNSON
ASHLEE N. TITUS**

**PAUL GOUGH
OF COUNSEL**

**1321 SEVENTH STREET, SUITE 208
SANTA MONICA, CA 90401
(310) 458-1408
FAX (310) 260-2668
www.bmhaw.com**

November 20, 2008

**Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463**

MUR # 6135

**RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL**

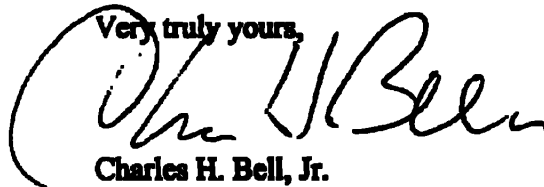
2008 NOV 21 P 1:43

RE: Illegal Robocalls / Complaint

Dear Sir or Madame:

Enclosed please find the original and three copies of a complaint pertaining to illegal robocalls received by voters in Northern California on Election Day, November 4, 2008. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Charles H. Bell, Jr.

CHB/ANT/sd

Enclosures

10044262232

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

Jonathan Heuy
Voice Messaging Center (866) 252-6256)

MUR

6135

2008 NOV 21 P 1:58

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

COMPLAINT

NOW COMES the California Republican Party by its General Counsel Charles H. Bell, Jr., and hereby files this complaint alleging as follows:

1. "Public communication" is defined as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising." (11 C.F.R. 100.26.)
2. Public communications are required to contain a disclaimer. (See 2 U.S.C. § 441d(a), 11 C.F.R. 110.11(b).) If a communication is authorized by a candidate, the communication must state the name of the person that paid for the communication and that it has been authorized by the candidate. (11 C.F.R. 110.11(b)(2).) If a communication is not authorized by a candidate, it must include the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee. (11 C.F.R. 110.11(b)(3).)
3. In the evening of November 4, 2008, election day, voters throughout Northern California received a recorded message delivered over the telephone. The calls we are aware of were received between 5:00 p.m. and 8:00 p.m. A complete transcript of the message is as follows:

"This is a breaking news alert. Early returns show Barack Obama will win Florida, Ohio and Virginia closing John McCain's only path to the White House. Obama Biden is a virtual certainty. Early returns also show democrats will have a large majority of both houses of Congress, regardless the final results from larger states like Colorado and California. This was a breaking news alert."

The names and contact information of voters who received these messages are attached to this complaint. A true and correct recording of the message is also enclosed with this complaint.

4. We believe these telephone calls were targeted to suppress the turnout of Republican voters. In particular, we are aware that these telephone calls were received by Republican voters

10044262233

residing within the contested Fourth Congressional District. The results of that contest remain unresolved at this time.

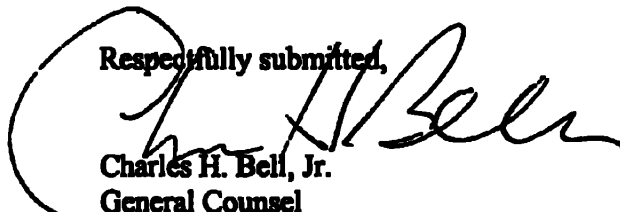
5. We are aware that these calls originated from at least two different sources. According to caller identification records, the following phone numbers appeared when these calls were received:

- "voice messaging center", (866) 252-6256
- Jonathan Heuy, _____

6. This telephone message meets the definition of "public communication" and is required to comply with the Federal Election Campaign Act. This telephone message violated the disclaimer requirements set forth in the Federal Election Campaign Act, by failing to disclose the name of the caller and the candidate that authorized the communication, or the caller's address, telephone number or website if the communication was not authorized by a candidate.

WHEREFORE, Complainant respectfully requests that the Federal Election Commission investigate the allegations in this complaint and, if warranted, sanction the Respondent(s) for failure to provide the advertising disclaimer required by 2 U.S.C. § 441d and 11 C.F.R. 110.11(b)(3).

Respectfully submitted,



Charles H. Bell, Jr.
General Counsel
California Republican Party
455 Capitol Mall, Suite 801
Sacramento, CA 95814
(916) 442-7757

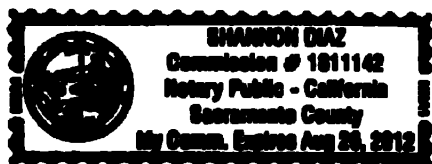
CERTIFICATION

State of California

County of Sacramento

Subscribed and sworn to (or affirmed) before me on this 20 day of November, 2008, by Charles H. Bell, Jr., proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)



Signature Shannon Diaz

Witnesses' Names and Contact Information

Mr. Roger Baccigaluppi

Sacramento, CA 95825

Facsimile (916) 595-1501

Mr. Jan Brewer

Ms. Melinda Gardner

El Dorado Hills, CA 95762

10044262235